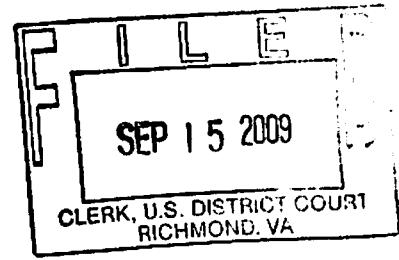


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



DNT, LLC,

Plaintiff.

v.

Civil Action Number 3:09CV21

SPRINT SPECTRUM, LP and NEXTEL
OPERATIONS, INC., et al.,

Defendant.

MEMORANDUM ORDER

THIS MATTER is before the Court on Non-Party Qualcomm, Inc.'s ("Qualcomm") Motion to Prohibit the Disclosure of Confidential and Highly Confidential Information to Plaintiff DNT, LLC's ("DNT") designated expert, Dr. Henry D. Pfister. Upon consideration of the following factors, the Court hereby GRANTS Qualcomm's Motion concluding that Dr. Pfister cannot receive the Confidential Information:

- a. Confidential Relationship with Qualcomm.
 - i. Dr. Pfister did have a confidential relationship with Qualcomm.
- b. Receipt of Confidential Information related to issues in the instant case.
 - i. Dr. Pfister received confidential information while employed at Qualcomm related to the issues in the instant case.
- c. Ensuring fairness.
 - i. It would not be fair to Qualcomm to bear the burden of a possible violation of its contracted-for Confidentiality Agreement. There is no particular burden

or prejudice to DNT as it has access to other experts on this issue.

Additionally, there is no harm to Dr. Pfister that prevents him from pursuing his profession or from participating in this case. He simply cannot opine about Qualcomm in the instant case.

For the reasons stated, the Motion is GRANTED.

Let the Clerk send a copy of this Order to all counsel of record.

And it is SO ORDERED.

/s/
James R. Spencer
Chief United States District Judge

ENTERED this 14th day of September 2009